

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Q. GATES DIAZ NGUYEN,

Petitioner,

vs.

J. J. FERGUSON, et al,

Respondent.

No. C 08-0718 JSW (PR)


**ORDER OF TRANSFER**

Plaintiff, a prisoner of the State of California, currently incarcerated at the R. J. Donovan Correctional Facility in San Diego, California, has filed a petition for a writ of habeas corpus in this Court. Although the petition is somewhat incomprehensible, it is apparently seeking review of Petitioner's criminal conviction from San Diego County, which lies within the venue of the Southern District of California. *See* 28 USC § 84(d). Venue is proper in a habeas action in either the district of conviction or the district of confinement, *see id* § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Therefore, the Court ORDERS that pursuant to 28 USC § 1404(a) and Habeas LR 2254-3(b), and in the interest of justice, the Clerk of the Court shall TRANSFER this matter to the United States District Court for the Southern District of California. The Clerk of the Court shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: February 12, 2008

  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

Q DIAZ GATES-NGUYEN et al,  
Plaintiff,

Case Number: CV08-00718 JSW

**CERTIFICATE OF SERVICE**

v.

J J FERGUSON et al,  
Defendant.

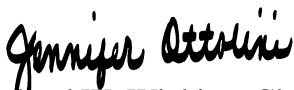
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

N. Gates Garrucha-Gallego  
446 Alta Road 5300  
T94013  
San Diego, CA 92158-0114

Q. Diaz Gates-Nguyen  
446 Alta Road 5300 (4B-229)  
# 7775738  
San Diego, CA 92158-0114

Dated: February 12, 2008

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk